

Supreme Court, U. S.

F I L E D

MAY 17 1978

MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-1485

THOMAS J. HILLIGOSS and KAY BERRYMAN,
On Behalf of Themselves and All Others Similarly Situated,
Appellants,

vs.

ARTHUR J. LADOW, As Mayor of the City of
Kokomo, Indiana, Et Al.,

Appellees.

GERALD SWING and MARGARET TOMLINSON,
On Behalf of Themselves and All Others Similarly Situated,
Appellants,

vs.

ARTHUR J. LADOW As Mayor of the City of
Kokomo, Indiana, Et Al.,

Appellees.

**APPEAL FROM THE COURT OF APPEALS
OF INDIANA, SECOND DISTRICT.**

MOTION

ALAN H. LOBLEY

Ice Miller Donadio & Ryan
111 Monument Circle, 10th floor
Indianapolis, Indiana 46204

IN THE
**United States
Supreme Court**

THOMAS J. HILLIGOSS and)
KAY BERRYMAN, on behalf)
of themselves and all others)
similarly situated,)
Plaintiffs-Appellants,)
vs.)

ARTHUR J. LaDOW, as Mayor)
of the city of Kokomo, Indiana;)
et at.,)
Defendants-Appellees.)

GERALD SWING and)
MARGARET TOMLINSON,)
on behalf of themselves and all)
others similarly situated,)
Plaintiffs-Appellants,)
vs.)

ARTHUR J. LaDOW, as Mayor)
of the city of Kokomo, Indiana)
et at.,)
Defendants-Appellees.)

MOTION TO DISMISS OR AFFIRM

Come now the defendants and respectfully request the
Court to dismiss this appeal on the ground that it does not

present a substantial federal question and that the state court judgement rests on an adequate non-federal basis.

ICE MILLER DONADIO & RYAN

By _____
Alan H. Loble

ICE MILLER DONADIO & RYAN
111 Monument Circle, 10th Fl.
Indianapolis, Indiana 46204
(317) 635-1213

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Dismiss or Affirm and the attached brief has been deposited in the United States mail, postage prepaid, this _____ day of May, 1978, addressed to:

Mr. Donald A. Schabel
111 Monument Circle, Suite 1200
Indianapolis, Indiana 46204

Mr. Paul I. Hillis
3415 South LaFountain Street
Atrium Building
Suite 1
Kokomo, Indiana 46901
